

**MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION**

February 22, 2011

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:30 AM by Chairman Howell “Chip” Shay.
2. **ROLL CALL** – Board Members in Attendance, Harold “Hal” Epperson, Dr. Susan Schaefer Kliman, David Komm, Howell “Chip” Shay, Erick Weiland, John Willett, Robert Stanley LeRoy Brady, and Douglas Folk Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Patricia Sandino. Assistant Attorney General. Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **MINUTES**
 - A. Approve, Modify and /or reject the February 22, 2011 minutes. Mr. Weiland moved to adopt the February 22, 2011 minutes and motion to include a minor correction. Mr. Willett seconded, motion carried.
5. **ENFORCEMENT MATTERS**

Review, Consideration and Possible Vote on the following:

 - A. Proposed Dismissals
 1. M10-040, Kenneth M. Cawthorne, P.E. (Mechanical) #25036 – Dr. Susan Schaefer Kliman and Mr. Folk recused themselves citing a Conflict of Interest. Mr. Komm moved to dismiss the case. Mr. Weiland seconded. After discussion, motion carried.
 2. M10-074, George James Geiser, P.E. (Civil) #14723 – Mr. David B. Schulz addressed the Board and regarding his complaint. Mr. Folk recused himself citing a Conflict of Interest. Mr. Willett, moved to dismiss the case. Mr. Stanley seconded. After discussion, motion carried.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

 - A. Home Inspector Rules and Standards Committee Appointment

1. Randy West, CHI #38450 – Mr. Stanley moved to re-appoint Mr. West to the Home Inspector Rules and Standards Committee. Mr. Komm seconded. After discussion, motion carried.

B. Proposed Letter of Concern

1. H10-028, Michael P. Goodrich, CHI #38574 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Mr. Komm seconded. After discussion, motioned carried.
2. H111-004, Wilfred N. Miller, CHI #38450 – Mr. Epperson moved to issue Respondent a Letter of Concern regarding reporting deficiencies. Mr. Willett seconded. After discussion, motioned carried.

7. DRUG LABORATORY ENFORCEMENT MATTERS

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board

8. LICENSING MATTERS

Review, Consideration, and Possible Vote on the following:

1. Lung, Frank Tien-Yin, Architect Application #060131 – Dr. Susan Schaefer Kliman moved to allow the Applicant to continue on his current testing cycle which expires in 2012. Furthermore she moved that if Mr. Lung hasn't passed his exams by 2012 he will need to reapply for his registration in order to take the exams again. Mr. Shay seconded. After discussion, motion carried.
2. Paul Bretz, Mining Engineer Application #100935 – Mr. Komm moved to approve Mr. Bretz's application and grant him registration. Mr. Weiland seconded. After discussion, motion carried.

9. LICENSING CONSENT AGENDA

- A.** Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office for public review):

Matthew Ford, Land Surveyor, #101141 – Mr. Epperson requested to have Applicant's name removed from the 9(A)(2) because his application lacks 23 months of required experience for registration.

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;

3. Granting professional registrations to those applicants possessing NCARB Blue Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. §§ 32-122.01, 32-123;
4. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);

Mr. Epperson moved that the applicants listed in 9(A)(1) be granted professional registration, certification, or in-training designation; that the applicants listed in 9(A)(2) be approved to sit for the professional or in-training examinations, and be granted registration in the appropriate category upon successful completion of the exams and a staff determination of continued eligibility; that the applicants listed in 9(A)(3) be granted professional registration; and that the application files listed in 9(A)(4) be administratively closed based upon the applicants' failure to meet the Board's licensing requirements. Mr. Stanley seconded. After discussion, motion carried.

10. POLICY MATTERS

1. Mr. Folk moved to accept the Legislation and Rules Committee's proposed Substantive Policy Statement regarding land surveys conducted in subdivisions and the Arizona Boundary Survey Minimum Standards amended with the minor changes. Mr. Willett seconded. After discussion, motion was carried.
2. Mr. Komm moved to accept the Board's Draft Notice of Rulemaking and to be forwarded to the Secretary of State's Office. Dr. Susan Schaefer Kliman seconded. After discussion, motion carried.
3. Mr. Shay moved that the mandatory Continuing Education for renewals item be referred back to the Legislation and Rules Committee.

Michael Fondren, and Daniel Muth, members of the Arizona Professional Land Surveyor ("APLS") Ethics & Standards Committee, Craig Randock, Chairman for the Government Affairs Committee and Rick Bright, Chairman for Membership Development, both from the Arizona American Institute of Architects, ("AIA") addressed the Board regarding Continuing Education.

The Committee is to report back in six months with an implementation plan and a set of requirements. The Committee was charged with considering each profession independently because not all have the same requirements or are required to have continuing education. The Committee must review and compare with other states standards and requirements. Mr. Folk seconded. After discussion, motion carried.

4. Mr. Shay moved to direct staff to edit a letter he drafted on behalf of the Home Inspector Committee regarding the Home Inspector Warranty program. Mr. Folk seconded the motion. After discussion, motion was carried.

5. Mr. Shay moved to direct staff to edit a letter he drafted on behalf of the Home Inspector Committee to the Arizona Department of Real Estate and Arizona Association of Realtors regarding fee base preferred vendor programs. Mr. Stanley seconded the motion. After discussion, motion was carried.
6. The Proposal for Psychometric Services for the Arizona Land Surveying. This item is to remain on the agenda for next Board meeting.

11. REVIEW, CONSIDERATION, AND POSSIBLE VOTE ON THE FOLLOWING:

- A. Registrations that have been expired for three (3) years and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.A. Mr. Weiland seconded, motion carried.

- B. Certifications that have been expired for one (1) year and recommended to be cancelled: (List of names available at the Board's office for public review.)

Mr. Epperson moved to cancel the certificates listed in 11.B. Mr. Weiland seconded, motion carried.

12. **DIRECTOR'S REPORT** – Executive Director, Mr. Dalrymple reported on rule changes, legislative activities and finances.

13. BOARD CHAIR'S REPORT

Mr. Shay reported that he attended an Arizona American Institute of Architects ("AIA") staff meeting regarding the intern development program. The following were discussed; 1) Misunderstanding on the current policies and rules and planned clarifications. 2) Presently there is a lot of interest with people becoming architects and becoming registered. 3) Mr. Shay encouraged the other professions to reach out to people interested in their professions and help them understand what is required for registration.

14. STANDING COMMITTEE REPORT

1. Legislation and Rules Committee ("L&R") – Dr. Schaefer Kliman attended the L&R Committee meeting on February 3, 2011 and reported discussing items:
 - a. The Minimum Boundary Standards: The Arizona Professional Land Surveyor ("APLS") requested that the Committee send the issue back to them with comments so that they can re-work their proposal and then come back to the Board with a revised proposal. Representatives from APLS outlined some of their issues, and asked the Board to draft an Intern Substantive Policy Statement.

Mr. Lane submitted a draft policy based on the concept of practicing at the same time/same place, which he proposed to the Committee, would provide a practical answer to the issues currently facing the Board and Surveyors and to protect the public. The Committee voted to send the Substantive Policy Statement to the Board for consideration.

- b. Legislation and Rules Committee discussed whether to amend to the A.A.C. R 4-30-208 (A)(2)(e), to grant applicants who work full-time in a field related to the registration they wish to obtain and attend school full-time during the same 12 month period with more credit toward registration.

Committee members discussed whether the rule was penalizing hard working individuals, who are going to school and working at the same time, and considered whether a change in the rule would make it harder for applicants to get licensed in other jurisdictions if they received their license in Arizona. Some jurisdictions don't allow early access to exams (engineers for example). The Committee took no action and agreed to leave this item on the agenda for further discussion at the next meeting.

- c. Continuing Education: Committee members had a lengthy discussion regarding continuing education. The land surveyors approached the Committee and requested that the Board implement mandatory continuing education for renewal of a license. As a group, they are concerned about some of what is happening in practice, and want to ensure that their licensed professionals maintain competency.
- d. Discussion regarding the statute requiring payment to sub-consultants within 7 days. Committee members agreed that a change to the current statute is not necessary. The current statute exists to protect the public welfare, and it works well with the State's lien laws. There is a provision in the statute that allows for a contract to govern and provide for alternative time frames.
- e. Discussion about whether a second professional on project should be required to provide notice to the preceding professional and obtain authorization to use pre-existing sealed plans, and if so, under what circumstances. Committee members agreed that is probably a matter of educating professionals and jurisdictions, as the right to use documents is usually contractual. A second registrant must ensure that any changes to the plans are adequately noted so that it is clear who prepared what part of the work.

2. Budget Committee

Mr. Dalrymple reported currently the BTR budget is in good standing, especially when BTR goes into the 3rd quarter of FY 2011. BTR revenue is able to support our appropriation. There are some evidences that our renewals have declined, due to the economy.

- 3. Home Inspector Rules and Standards Committee ("HIRSC") – Mr. Shay reported he attended the HIRSC in February 2011 and the following items were discussed.
 - a. The Committee reported on the Pool & Spa Standards for Arizona and reviewed the standards adopted by the American Society of Home Inspectors ("ASHI"). This has now become a

problem. The proposed standards do follow the guidelines set out by Arizona, ASHI; they do not provide proper standards for inspection. Neither Arizona ASHI nor Arizona HIRSC is in a position to unilaterally publish its own standards. The Committee has approached the American Association of Pool and Spa Professionals ("AAPSP") who indicated they would be willing to adopt a national standard, but they need help with it as they are primarily a manufacturing and maintenance trade association. This is a work in process.

- b. The Committee reviewed and accepted the letter from the HIRSC Chair, Peter Leeds regarding home inspection warranty programs offered by the alarm and security companies. They requested it be referred to the Board of Technical Registration for adoption and publication. They discussed the status of correspondence to the real estate community regarding preferred vendor programs. They discussed the status of notice restricting home inspectors from receiving commission or compensation from referrals or finder's fees for termite inspections.
- c. The Committee discussed the seat open for a home inspector that is a resident of a county with a population of four hundred thousand persons or less. Randy West's term expired December 18, 2010. The Committee recommended Mr. West be reappointed.
- 4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland reported he attended the ERRS Committee meeting on January 25, 2011. The primary reason for the meeting was to review the rules and prepare them for rulemaking.

15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- 1. National Council of Examiners for Engineering and Surveying ("NCEES") Mr. Komm reported there will be computerized testing for the PE and the FE. The testing will probably be available in the fall of 2013 or the spring of 2014. An examinee will go into a room and sit in front of a computer. The price for the FE will be \$300.00. The NCEES Western Regional Conference meeting will be in May 2011. One item that will be discussed is Canadian Reciprocity. Also in April 2011, nationwide there will be 43,000 people taking the professional engineer exams. The count of applicants has increased by 1%.

Mr. Willett will be going to the National Council of Examiners for Engineering and Surveying ("NCEES") 2011 Western Zone meeting on May 26 through 28th, 2011, in Spokane, Washington.

- 2. National Council of Architectural Registration Boards ("NCARB").

Dr. Schaefer Kliman and Melissa Cornelius will be attending the Western Regional Meeting of the National Council of Architectural Registration Boards - Regions One, Four and Six on March 24 through 26th, 2011 in Cleveland, Ohio.

- 3. Council of Landscape Architectural Registration Boards ("CLARB"). Melissa Cornelius and LeRoy Brady will be attending the Council Landscape Architectural Registration Board meeting on February 24 through 26th, 2011 in Denver, Colorado.

4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland Association of State Boards of Geology: Mr. Weiland reported that he is currently working with ASBOG, the Canadian Council of Professional Geoscientists, and the Association of Professional Engineers and Geoscientists of New Brunswick (APEGNB) on the issue of Canadian reciprocity. A copy of the agreement signed with Texas was presented to the BTR. He is working on a set of questions that will assist with understanding the issues associated with reciprocity between the various Provinces and States.

A big push is on to develop Ethics questions for the ASBOG test. Mr. Weiland is working on a set of these that will be evaluated and included (if appropriate) at the next ASBOG test review session in the beginning of April.

Mr. Weiland reported that there are more States considering dropping geology as a professional registration, mostly due to administrative costs associated with those programs having a single profession (Geology) Board. The most recent State to consider this move is Texas (which is a bit of a surprise due to the long history of registration). This could lead to more geologist being required to register as Engineers rather than Geologists. Arizona is seeing an increase in the number of geology registrations from registrants in California wanting to become registered in Arizona due to moving geologists under the Engineering Board in that State.

Of concern to Mr. Weiland is that as States drop geology as a registered profession, they will no longer be considered a professional and engineers will again be placed in the situation where they will have to sign off on geological issues without the necessary education and experience thus increasing risk to the Public Health and Welfare in these States.

Mr. Weiland will be attending the ASBOG Subject Matter Expert (SME) workshop on April 1 and 2nd, 2011 in San Diego, CA.

5. Public Member New/Information – Nothing new to report

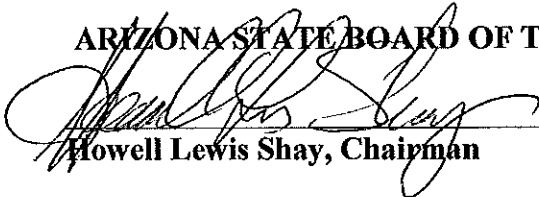
16. **FUTURE BOARD MEETINGS** –Tuesday, March 22, 2011 at 9:30 AM.

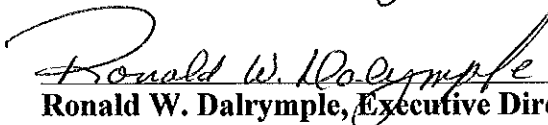
17. **FUTURE AGENDA ITEMS** –

Board to review the Board of Technical Registration Renewal form

18. **ADJOURNMENT** – Meeting adjourned at 11:15 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION


Howell Lewis Shay, Chairman


Ronald W. Dalrymple, Executive Director